

By Senator Pizzo

38-01675-19

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1 A bill to be entitled
2 An act relating to cannabis; amending s. 893.13, F.S.;
3 providing reduced criminal penalties for distribution
4 or possession of certain amounts of cannabis
5 concentrate or THC in cannabis products or edibles;
6 reenacting ss. 772.12(2)(a) and 893.15, F.S., relating
7 to the Drug Dealer Liability Act and rehabilitation,
8 respectively, to incorporate changes made by the act;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (3) and paragraph (b) of subsection
14 (6) of section 893.13, Florida Statutes, are amended to read:
15 893.13 Prohibited acts; penalties.—

16 (3) A person who delivers, without consideration, up to 1
17 unit of the following substances in any combination, commits a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083:

20 (a) Twenty ~~20~~ grams or less of cannabis, as defined in this
21 chapter, in which 20 grams constitutes 1 unit and any lesser
22 amount is a ratio with 20 grams as the denominator, ~~commits a~~
23 ~~misdemeanor of the first degree, punishable as provided in s.~~
24 ~~775.082 or s. 775.083;~~

25 (b) Six grams or less of cannabis concentrate in which 6
26 grams constitutes 1 unit and any lesser amount is a ratio with 6
27 grams as the denominator; or

28 (c) Six hundred milligrams or less of THC in cannabis
29 products or edibles in which 600 milligrams constitutes 1 unit

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30 and any lesser amount is a ratio with 600 milligrams as the
31 denominator.

32
33 As used in paragraph (a) ~~this subsection~~, the term "cannabis"
34 does not include the resin extracted from the plants of the
35 genus *Cannabis* or any compound manufacture, salt, derivative,
36 mixture, or preparation of such resin.

37 (6)

38 (b) If the offense is the possession of up to 1 unit of the
39 following substances in any combination, a person commits a
40 misdemeanor of the first degree, punishable as provided in s.
41 775.082 or s. 775.083:

42 1. Twenty ~~20~~ grams or less of cannabis, as defined in this
43 chapter, in which 20 grams constitutes 1 unit and any lesser
44 amount is a ratio with 20 grams as the denominator, ~~the person~~
45 ~~commits a misdemeanor of the first degree, punishable as~~
46 ~~provided in s. 775.082 or s. 775.083.;~~

47 2. Six grams or less of cannabis concentrate in which 6
48 grams constitutes 1 unit and any lesser amount is a ratio with 6
49 grams as the denominator; or

50 3. Six hundred milligrams or less of THC in cannabis
51 products or edibles in which 600 milligrams constitutes 1 unit
52 and any lesser amount is a ratio with 600 milligrams as the
53 denominator.

54
55 As used in subparagraph 1. ~~this subsection~~, the term "cannabis"
56 does not include the resin extracted from the plants of the
57 genus *Cannabis*, or any compound manufacture, salt, derivative,
58 mixture, or preparation of such resin.

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59 Section 2. For the purpose of incorporating the amendment
60 made by this act to section 893.13, Florida Statutes, in a
61 reference thereto, paragraph (a) of subsection (2) of section
62 772.12, Florida Statutes, is reenacted to read:

63 772.12 Drug Dealer Liability Act.—

64 (2) A person, including any governmental entity, has a
65 cause of action for threefold the actual damages sustained and
66 is entitled to minimum damages in the amount of \$1,000 and
67 reasonable attorney's fees and court costs in the trial and
68 appellate courts, if the person proves by the greater weight of
69 the evidence that:

70 (a) The person was injured because of the defendant's
71 actions that resulted in the defendant's conviction for:

72 1. A violation of s. 893.13, except for a violation of s.
73 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

74 2. A violation of s. 893.135; and

75 Section 3. For the purpose of incorporating the amendment
76 made by this act to section 893.13, Florida Statutes, in a
77 reference thereto, Section 893.15, Florida Statutes, is
78 reenacted to read:

79 893.15 Rehabilitation.—Any person who violates s.
80 893.13(6)(a) or (b) relating to possession may, in the
81 discretion of the trial judge, be required to participate in a
82 substance abuse services program approved or regulated by the
83 Department of Children and Families pursuant to the provisions
84 of chapter 397, provided the director of such program approves
85 the placement of the defendant in such program. Such required
86 participation shall be imposed in addition to any penalty or
87 probation otherwise prescribed by law. However, the total time

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88 of such penalty, probation, and program participation shall not
89 exceed the maximum length of sentence possible for the offense.

90 Section 4. This act shall take effect July 1, 2019.